Office Action Summary 10/598,158		Application No.	Applicant(s)		
Examiner Michael C. Miggins 1782		10/598.158	ALBA, NICOLAS A.		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, PROM THE MAILING DATE OF THIS COMMUNICATION. Estancians of the may be available useful to provide useful to	Office Action Summary	,	·		
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	Paper No(s)/Mail Date 8/18/06. U.S. Patent and Trademark Office	6) [Other:			

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Art Unit: 1782

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, drawn to a carbon nanotube composite material.

Group II, claim(s) 9-17, drawn to a method of forming a carbon nanotube composite material.

- 2. The groups of inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I is anticipated by Watanabe et al. (US 20050127030) and does not make a contribution over the prior art as set forth below.
- 3. During a telephone conversation with Richard Hinson on 5/6/09 a provisional election was made with traverse to prosecute the invention of I, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-17 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

 Claims 1-8 rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al. (US 20050127030).

Watanabe discloses a carbon nanotube polymer composite material comprising a polymeric solid state continuous phase comprising one or more polymer chains, one or more carbon nanotubes dispersed in the continuous phase, and a bonding agent for mechanically dispersed in the continuous phase, and to the one or more carbon nanotubes, the bonding agent joined to the polymer chain and non-covalently bonded to the carbon nanotube (paragraphs [0015] – [0017], [0070] – [0072], [0076] – [0077], [0095]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C. Miggins/ Primary Examiner, Art Unit 1782

MCM May 9, 2010